

**STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
BEFORE THE STATE BOUNDARY COMMISSION**

In the matter of:

Boundary Commission
Docket #96-AP-5

The proposed annexation of
territory in **Homer Township**
to the **City of Midland**

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of the proposed annexation of the following territory in Homer Township to the City of Midland and described as follows:

A part of the Southeast 1/4 of Section 1, T14N, R1E, Midland County, Michigan, described as: Commencing at a point on the North right-of-way line of Saginaw Road 1001 feet South 55° 36' East from the intersection of the North right-of-way line of Saginaw Road and the South 1/8 line of said Section; thence North 34° 24' East 330 feet; thence North 55° 36' West 132 feet; thence North 34° 24' East 239 feet to the South 1/8 line; thence West along the South 1/8 line to a point 623 feet East of the intersection with the North right-of-way line of Saginaw Road; thence South 34° 29' West 341 feet, to the North right-of-way line of Saginaw Road; thence Southeasterly along the North right-of-way line of Saginaw Road to the point of beginning.

This matter came before State Boundary Commissioners VerBurg and Rutledge, and Midland County Commissioners Morris and Wolfgang for final adjudication in Lansing, on Thursday, **May 22, 1997**. The Commission, being fully advised as to the positions of the respective parties, made its findings on said date.

SUMMARY OF PROCEEDINGS

- A. On **May 7, 1996**, a petition was filed by Wayne and Roberta Stockton asking for the annexation of a portion of Homer Township into the Home Rule City of Midland.
- B. On **September 17, 1996**, an adjudicative meeting of the State Boundary Commission was held in Lansing to determine the legal sufficiency of the petition. The petition was declared to be legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.
- C. On **November 20, 1996** a public hearing was held in Homer Township to receive testimony given pursuant to Public Act 191 of 1968, as amended.

- D. On **May 22, 1997** an adjudicative meeting of the State Boundary Commission was held in Lansing to reach a decision based on the information received.

INFORMATION TO BE NOTICED

1. The **Petitioner** requested annexation because their well water is very hard with large concentrations of iron and they need water from the City.
2. The **City** reported that they support the proposed annexation and that a water main is available to immediately provide water service to the property proposed for annexation.
3. The **Township** reported that they support the proposed annexation because it involves property included in an Urban Cooperation Agreement with the City of Midland in which the Township agreed not to oppose requests for annexation.

THE COMMISSION FINDS THAT

1. Two of the four owners of the property proposed for annexation support the annexation and two are neutral.
2. The property proposed for annexation has poor water quality and water from the City of Midland is available if annexation is approved.
3. The City of Midland and Homer Township have a 1995 Urban Cooperation Agreement that includes an agreement for both units of government to support annexation of the area proposed for annexation.

IN CONCLUSION, THE COMMISSION FINDS THAT

1. The Commission has considered the information contained in the record of this docket in terms of the criteria stipulated under Section 9 of Public Act 191 of 1968, as amended.
2. On **May 22, 1997**, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, and Rutledge and Midland County Commissioners Morris and Wolfgang voted unanimously to recommend approval of the annexation to the Director of the Department of Consumer and Industry Services.

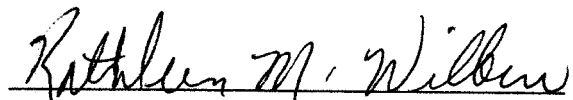
3. On **May 22, 1997**, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg, and Rutledge and Midland County Commissioners Morris and Wolfgang voted to approve the Findings of Fact and Order and to recommend that the Director of the Department of Consumer and Industry Services sign the order.

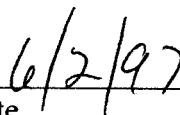
ORDER

DOCKET #96-AP-5

IT IS ORDERED THAT this order approving the annexation of certain territory in **Homer Township** into the **Home Rule City of Midland** shall be final and effective on the date signed by the Director of the Department of Consumer & Industry Services.

IT IS FURTHER ORDERED THAT the Executive Director shall forthwith transmit a certified copy of these Findings of Fact and Order to the Petitioner and to the clerks of the City of Midland, Homer Township, and Midland County.


Kathleen M. Wilbur, Director
Department of Consumer & Industry Services


Date _____